

Application Serial Number 10/511,479
Response to Office Action
Dated

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REMARKS / DISCUSSION OF ISSUES

Claims 1-18 are presently under consideration. Claims 1, 16 and 17 are independent claims. Claims 17 and 18 are new.

Claims are amended for non-statutory reasons, to replace European-style claim phraseology with American-style claim language. The claims are not narrowed in scope and no new matter is added.

New claims are added to at least partially restore the original range of claims that existed before multiple dependencies were removed in the preliminary amendment. No new matter is added.

Objections to the Specification

Applicant has reviewed the objections to the specification and decline to add headings. Applicant submit that the headings are not required and direct the Examiner to MPEP § 608.01(a), which notes, inter alia, that the guidelines therein illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the Applicant's use. Thus, there is no requirement to include headings. Applicant respectfully requests that this objection is improper and should be withdrawn.

Objection to the Drawings

Applicant has reviewed the objections to the drawings. The replacement paragraph at page 9 of the filed application renders the relevant objection moot.

With regard to the objections to the terms 'programmable logic device' and 'bottom plate driver,' Applicant respectfully disagrees with the propriety of the objections.

Programmable logic devices (PLDs) are known integrated circuits and include devices such as field programmable gate arrays (FPGAs). Moreover, Fig. 2b and its

Application Serial Number 10/511,479
Response to Office Action
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supporting disclosure provide a description of the logic device of an embodiment, albeit without a specific drawing thereof. As such, Applicant submits that the drawings as filed, taken together with their supporting description in the specification suffice within the requirements of Rule 83(a).

Similarly, the term 'bottom plate driver' is understood from a review of the description of Figs. 1 and 2b, for example. Applicant submits that the function of the plate driver is clear from the drawings when read in light of the specification. As such, Applicant submits that the drawings as filed, taken together with their supporting description in the specification suffice within the requirements of Rule 83(a).

For at least the reasons set forth above, Applicant submit that the objections to the drawings are improper and should be withdrawn.

Rejections Under 35 U.S.C. § 102

1. Claims 1, 2 and 5-16 are rejected under 35 U.S.C. § 102(a) as being anticipated by *Negoi* (U.S. Patent 6,693,483). For at least the reasons set forth herein, Applicant submits that this rejection is improper and should be withdrawn.

2. Claims 1-10, 13 and 16 are rejected under 35 U.S.C. 102(a) as being anticipated by *Deml, et al.* (U.S. Patent 6,693,483). For at least the reasons set forth herein, Applicant submits that this rejection is improper and should be withdrawn.

i. Negoi does not qualify as prior art under 35 U.S.C. § 102(a)

For a prior patent or prior printed publication to be valid prior art under 35 U.S.C. § 102(a), the patent or printed publication must be, inter alia, by others. Applicant notes that U.S. Patent 6,801,077, which issued ten (10) days before the filing date of the present application, is of the same inventive entity (Andy C. Negoi) as the present application. Therefore, this patent is not by others and thus does not qualify as prior art. Applicant refers the Examiner to MPEP § 2132 for additional support for this position. For at least the reasons set forth above, Applicant respectfully submits that because the reference to

Application Serial Number 10/511,479
Response to Office Action
Dated

Negoi does not qualify as prior art under 35 U.S.C. §102(a), a *prima facie* case of anticipation has not been established. Therefore, this rejection is improper and should be withdrawn.

ii. The Office Fails to Establish a prima facie case of anticipation in view of *Deml, et al.*

At the outset, Applicant turn to MPEP § 706, which states: "The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity. The examiner then reviews all the evidence, including arguments and evidence responsive to any rejection, before issuing the next Office action."

Applicant respectfully submits that the present rejection fails to clearly articulate a rejection based on *Deml, et al.* To this end, the Office Action recites elements of all of the rejected claims in a single sentence spanning over an entire page. Interspersed therein are ten parenthetical terms or reference characters found in the applied reference; and reference to Fig. 2. However, there is no clear articulation of that which the Examiner regards as the features found in the applied reference, or of the applicability to each claim element as required. Thus, this rejection is improper and should be withdrawn.

Respectfully, Applicant has paid the fees required to obtain full and complete examination of the present application, and therefore is entitled to such examination. Because the Examiner has not recited with clarity the disclosure in the applied reference of each element of the rejected claims, Applicant has been deprived of the opportunity to provide evidence of patentability. Therefore, any subsequent action that includes a rejection should be made non-final to allow Applicant a fair opportunity to address any such rejection(s).

The above notwithstanding, Applicants submit that the reference fails to disclose at least one feature of claims 1 and 16. Applicant rely at least on the following standards with regard to proper rejections under 35 U.S.C. § 102. Notably, a proper rejection of a

Application Serial Number 10/511,479
Response to Office Action
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claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *See, e.g., In re Paulsen*, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. *See, e.g., Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *See, e.g., Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

Claim 1 is drawn to a voltage converter and includes: control circuitry that

“...comprises a switching means for activating at least one first voltage multiplier selected from the plurality of voltage multipliers and for switching at least one further voltage multiplier located in the cascade before the first voltage multiplier in the same way as the first voltage multiplier.”

Claim 17 is drawn to a voltage converter and includes:

“...a bottom plate driver adapted to activate at least one first voltage multiplier selected from the plurality of voltage multipliers and to switch at least one further voltage multiplier located in the cascade before the first voltage multiplier in the same way as the first voltage multiplier.”

By contrast, *Deml, et al.* is drawn to a charge pump configuration that bridges or turns off at least one of the pump stages. However, in reviewing Fig. 2 of and its supporting disclosure *Deml, et al.*, Applicant has not uncovered the disclosure of switching at least one further voltage multiplier located in the cascade before the first voltage multiplier. Therefore, the reference fails to disclose at least one feature of independent claims 1 and 17. Accordingly, claims 1 and 17 are patentable over the

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applied art; and all claims that depend immediately or ultimately from claims 1 and 17 are patentable at least because of their dependence on patentable independent claims.

Conclusion

In view of the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees, including, but not limited to, the fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:

NXP Incorporated



by: William S. Francos (Reg. No. 38,456)

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